

AMENDED IN ASSEMBLY MAY 1, 2003

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 466

Introduced by Assembly Member Steinberg
(Principal coauthor: Senator Sher)

February 14, 2003

An act to add Section 6105 to the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 466, as amended, Steinberg. Contracting preferences: wood materials and products.

Existing law governing contracting by public entities recognizes various preferences, including preferences granted to local contractors, small businesses, and suppliers of recycled and compost products.

This bill would prohibit state agencies and school districts from purchasing wood materials or wood products derived from *an* ancient forest ~~trees~~ *tree, as defined*, unless specified requirements are met, ~~and from illegally harvested trees, as defined~~. This bill would specify that these prohibitions apply only to contracts that exceed \$5,000 in cost. This bill would also require state agencies and school districts to state in writing these prohibitions in any request for bids to purchase wood materials or wood products. This bill would require bidders on these contracts to provide a statement, ~~under penalty of perjury~~, that they have complied with these prohibitions, as provided, and require these bidders to submit documentation regarding the products to be provided under

the contract, as specified. This bill would also prohibit a contractor, *or* vendor, ~~or forest certification accreditation organization~~ that falsifies these statements or documents from conducting any business with the state for 5 years, as specified.

~~By requiring additional statements to be submitted under the penalty of perjury, this bill would create a new crime and thus create a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~yes~~ *no*.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6105 is added to the Public Contract
- 2 Code, to read:
- 3 6105. (a) Notwithstanding any other provision of law, a state
- 4 agency or a school district may not purchase wood materials or
- 5 wood products derived from, or manufactured from, ~~either of the~~
- 6 ~~following:~~
- 7 ~~(1) An illegally harvested tree.~~
- 8 ~~(2) An~~ *an* ancient forest tree, unless either of the following
- 9 conditions exist:
- 10 ~~(A)~~
- 11 (1) The wood material or wood product is a reclaimed wood
- 12 product.
- 13 ~~(B)~~
- 14 (2) The cost of the wood material or wood product derived or
- 15 manufactured from an ancient forest tree ~~exceeds~~ *is less than* the
- 16 cost of the wood material or wood product derived from a tree that
- 17 is not an ancient forest tree.
- 18 (b) For purposes of this section:
- 19 (1) “Ancient forest tree” means a tree from a mature, late seral
- 20 stand of trees that has never been commercially logged.

1 ~~(2) “Illegally harvested tree” means a tree that has been~~
2 ~~harvested in violation of a local, state, or national law or~~
3 ~~administrative requirement or prohibition.~~

4 ~~(3)—~~

5 (2) “Reclaimed wood” means wood salvaged from old
6 buildings, discarded pallets, or other post-consumer sources that
7 is suitable for reuse.

8 (c) This section applies to procurement and purchases of
9 products that include all of the following:

10 (1) Wood construction materials, including, but not limited to,
11 lumber, plywood, framing, siding, beams, joists, underlayment,
12 flooring, paneling, veneer, trim, molding, doors, windows, stair
13 parts, fencing, and decking.

14 (2) Wood furniture, including, but not limited to, desks, chairs,
15 tables, bookshelves, benches, playground equipment, and
16 cabinets.

17 (3) Other wood products.

18 (d) (1) Each request for bids by a state agency or by a school
19 district for a contract to provide wood materials or wood products
20 shall state in writing the requirements of this section.

21 (2) Any contractor or vendor that submits a bid on a contract
22 with a state agency or a school district to provide wood materials
23 or wood products shall include with that bid both of the following:

24 (A) A statement signed by the contractor or vendor ~~under~~
25 ~~penalty of perjury that the stating that the contractor or vendor is~~
26 ~~not knowingly providing the state with wood materials or wood~~
27 ~~products that will be provided under the contract comply with the~~
28 ~~requirements of this section. derived or manufactured from an~~
29 ~~ancient forest tree.~~

30 (B) Documentation, where available, that demonstrates that
31 the wood materials or wood products ~~that will be provided under~~
32 ~~the contract comply with the requirements of this section. are not~~
33 ~~derived or manufactured from an ancient forest tree.~~

34 (3) Any ~~contractor, vendor, or forest certification accreditation~~
35 ~~organization contractor or vendor~~ that falsifies a statement or
36 document described in paragraph (2) may not do any business with
37 the state for a period of five years after the date that the bid was
38 submitted.

39 (e) This section applies to contracts for purchases that exceed
40 five thousand dollars (\$5,000).

1 ~~SEC. 2.—No reimbursement is required by this act pursuant to~~
2 ~~Section 6 of Article XIII B of the California Constitution because~~
3 ~~the only costs that may be incurred by a local agency or school~~
4 ~~district will be incurred because this act creates a new crime or~~
5 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
6 ~~for a crime or infraction, within the meaning of Section 17556 of~~
7 ~~the Government Code, or changes the definition of a crime within~~
8 ~~the meaning of Section 6 of Article XIII B of the California~~
9 ~~Constitution.~~

